

May 17, 1989

LB 89, 247, 525, 815A
LR 217, 218

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 815A.

SPEAKER BARRETT: LB 815A is advanced. Mr. Clerk, have you anything for the record?

CLERK: I do, Mr. President. Thank you. Senator Moore has amendments to LB 247 to be printed. Mr. President, I have new resolutions. (Read LR 217, and LR 218. See pages 2477-79 of the Legislative Journal.) That's all that I have.

SPEAKER BARRETT: Thank you. As per the instructions on the agenda, we'll now return to Item 5 on the agenda. I believe we left LB 525 before lunch. After handling 525 we'll then return to item 9 on the agenda, Final Reading. Mr. Clerk, 525.

CLERK: Mr. President, 525 was considered this morning by the Legislature. At that time there were amendments offered to the bill by Senator Landis, an amendment by Senator Kristensen and an amendment to the Kristensen amendment by Senator Warner. Senator Lynch and Bernard-Stevens then have moved, Mr. President, to reconsider the vote on the Kristensen amendment. That motion is now pending.

SPEAKER BARRETT: Back to the motion to reconsider. Senator Lynch, will you handle the reconsideration motion?

SENATOR LYNCH: Yes, Mr. President, thank you, and members, I, immediately, when I walked in this morning walked in on a conversation dealing with 89 because of the amendment to 525 and I'm grateful for all those good words that were mentioned like, you know, they don't want to kill LB 89, they don't mean to hurt 89 and I think 89 has enough votes to go anyhow, but I'm not sure of any of those things so I rise to talk about my amendment to reconsider with mixed emotions. I just would mention a couple of things so you understand. When we talk about aid to education, I know back in '86-87 it was 125 million and then it was dropped in '87-88 to 122, but it jumped back up to 133 million in '88-89. There looks like the request is fairly constant at that number. However, there is an increase, substantial increase in special education money of about \$4 million requested. I'm not quite sure how that will work out. It depends on how you think and consider this kind of a compromise and a trade-off in a sense. I can't tell you what is

May 23, 1989

LR 214, 215, 217

PRESIDENT: Thank you. You have heard the presentation. All those in favor of the resolution vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of LR 214.

PRESIDENT: LR 214 is adopted. LR 215, please.

CLERK: Mr. President, LR 215, offered by Senator McFarland, it asks the Legislature to recognize the history of service to the community through the ideals of scouting demonstrated by Boy Scout Troop 16.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Yes, Mr. President, this is a resolution to honor the 75th anniversary of Troop 16 here in Lincoln. On May 19, 1914, the Southview Christian Church took out a charter to sponsor the Boy Scout troop and that troop, number 16, has been in existence for 75 years now. They are holding their 75th anniversary from June 9th through 11th of this year and I would ask respectfully that you approve this resolution honoring and recognizing the work of that troop and the good deeds and benefits that the Boy Scouts bring to our city and to our state. Thank you.

PRESIDENT: Thank you. You've heard the explanation. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of LR 215.

PRESIDENT: LR 215 is adopted. LR 217, please.

CLERK: Mr. President, LR 217, offered by Senators Schmit, Elmer, Lamb, Morrissey, Weihsing, Beck, Rod Johnson and Smith, it asks the Legislature to urge the review by the United States Environmental Protection Agency the United States Congress of recently implemented rules for underground storage tanks for the purpose of providing relief to hard-pressed rural communities and the owners and operators of such tanks located in rural areas.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, we have introduced this resolution mostly as a result of the introduction and passage of LB 289, which we hope will pass this morning, but which I have cautioned all of you and which most of my colleagues who have been familiar with the contents of the bill have also joined me in cautioning you to recognize that this bill will, in fact, cause some difficulty and some hardships for people across the State of Nebraska as it is implemented by the very fact that the requirements of the Environmental Protection Agency are such that in some instances businesses may actually be put out of business, individuals may suffer substantial losses. And it is sort of ironic in this year, the year of the property tax relief effort, that many individuals will find themselves spending many times as much money to protect their businesses by virtue of the passage of a bill such as this as they will receive back in tax rebates. But, nonetheless, in the name of the environment and the name of all of the other things that are good, we march forward with this type of legislation. So we are asking that there be a review of this type of legislation to determine if, in fact, it is as necessary as we've been told it is and to determine if there may be some other possibilities. I'm deeply concerned, and I think that many others on this floor share that concern with me, that we seem to believe that man can impose himself or herself upon nature and still retain that pristine environment that we all like to cherish. Therefore, there is some way in which we can make this requirement of the Environmental Protection Agency a little less odious, then I certainly would ask that we could do so. Would take one more minute and point out that my own hometown of David City was fined some time ago, going to have to pay the fine this week, \$2,500 because of a mechanical breakdown of our sanitary sewage treatment plant, which resulted in a discharge of some raw sewage into a creek which resulted in the deaths of some fish which were valued at \$107. And we were fined, in David City, \$2,500, not because the fish were so valuable but because we did not properly and promptly report that failure of the equipment. I just want to emphasize that it is very, very difficult for the average citizen to keep abreast of all of the rules, regulations and statutes which we impose upon them, and I know that ignorance of the law is no excuse, but I would just like to point out that many times that people who have to do the every day work keeping our country going probably don't have the time to sit down and read every single

rule and reg and statute we pass and oftentimes maybe misinterpret them if they do. So, with that explanation, rather lengthy as it is, I am offering this resolution, along with my colleagues, ask that the EPA review this proposal to determine if it is really as necessary as they think it is. I ask for your positive support for the resolution.

PRESIDENT: Thank you. Senator Lamb, please, and then Senator Morrissey.

SENATOR LAMB: Yes, Mr. President and members, I would like to add my voice to that of Senator Schmit in support of this resolution because, as he mentioned, LB 289 is a bill which deals with the underground storage problem, but whether or not that's going to be adequate is in question at this point. We certainly wish to protect our water supplies in this state and every other state. On the other hand, I at least am not certain that the rules and regulations under which we have to operate by federal edict are practical and are all necessary, and I think, in the worst case scenario, you're going to see that there will be huge areas in rural Nebraska where the volume of fuel is low enough that the dealers will not be able to stay in business and that you'll have to travel long distances in order to find fuel, and I'm not sure that's the way we should go. I've already heard reports of people who have dug up their tanks, especially up in the Sandhill area where the corrosion is not as bad, and they've dug up tanks that have been in the ground for over 20 years and they're just as bright and shiny and in good shape as they were when they were put down. So I'm not sure that the inflexibility of the rules is good and proper for the State of Nebraska, and probably a lot of other states. So I hope you will lend your support to this resolution.

PRESIDENT: Thank you. Senator Morrissey, please, followed by Senator Hannibal.

SENATOR MORRISSEY: Yes, Mr. President and members, thank you. I would rise in support of this resolution. Many times in this body we might be accused of enacting short-term, short-sighted laws to solve problems, but we know, serving on the Natural Resources Committee and on the Ag Committee, that the federal government really seems to be in this mode facing a problem and just drawing up rules and regulations and then dumping it, so to speak, on the states, say, here it is, you handle it folks, without looking at the long-term impact that this type of

legislation can have on the communities out here. And I think we just really need to do everything we can to encourage the EPA to take a longer, harder look at some of these issues and really think them out and think of the impact it can have on the small towns and communities in our state, and I'd urge you to support this resolution.

PRESIDENT: Thank you. Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President and members. I won't take long. I appreciate Senator Schmit introducing the resolution and I'd like to take just a moment to say I do support the resolution and, as Senator Morrissey was pointing out, this resolution has implications for other things as well. And the particular point I want to talk about just for a moment is some other rules and regulations have come down from the federal government, as well as our own state government, dealing with asbestos removal, and I know we're going to have a study this summer talking about some of the rules and regs but I do believe it is important, as Senator Schmit points out, that some times you have regulated bodies and some times you have people in places that look at rules and regs and say these things make great sense, but don't take the time, don't have the expertise and don't have the experience out in the field to recognize that sometimes what looks good on paper may not be all that good in practice, and sometimes when you make rules and regulations that seem nice and seem proper and seem to be a good idea to protect all the environment and all the people, that with a little more common sense sometimes you can effectuate the same kinds of results and not cause near as much burden upon the people that you are trying to enforce the regulations upon. With that, I would just say I would support the resolution.

PRESIDENT: Thank you. Senator Schmit, any closing?

SENATOR SCHMIT: Mr. President and members, just want to say one more thing and that is that many well-intentioned ideas are drafted into bills and passed into law and become statutes, and then we provide that rules and regs be promulgated by the agency and the agency, frequently in their intent to carry out the law, go perhaps farther than we would go as legislators in drafting the statute. And it's always a source of great concern to me when I review regulations and rules which provide tremendous authority for nonelected individuals and I have given several examples on this floor and I do not challenge the good

intentions or the integrity of the individuals who exercise that authority, but I think it behooves us all well to review statutes and to review regulations and to review activity. Many years ago, Senator Herbert Duis had a little committee and I even forget the name of it now, but it reviewed rules and regs and he caused tremendous consternation among the agencies because he was kind of particular anyway and kind of a nuisance but he really brought some common sense to some of those rules and regs. And it might not be a bad idea, Senator Hannibal, if we would take a look at the reestablishment of that committee and pursue it with some diligence and, of course, that can also be applicable to the federal government. I move for the adoption of the resolution.

PRESIDENT: The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of LR 217.

PRESIDENT: LR 217 is adopted. LR 218.

CLERK: Mr. President, LR 218, by Senators Scofield and Byars, asking the Legislature to congratulate the citizens of Alliance and Beatrice, home of Homestead Days and the cradle and settlement of the plains in the spirit of cooperation and senses of community pride and wishes both cities the best in years to come as sister cities.

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President. Next weekend is a special weekend in the City of Alliance. You may have read last year about the major fund raising activity which is so creative you may even want to steal it. Alliance is the owner of a wonderful old fountain which people used to come from miles around to see that shot water, I'm not sure, some 40-50 feet in the air with a light display and so on. It is a unique fountain, a General Electric fountain, and it had over the years been allowed to fall into disrepair. Many people who were early residents of Alliance talked about how special a landmark that was and how much they enjoyed it, and so the Mayor of the community, Eva Knight, spearheaded a fund raising effort called "Coins In The Fountain" where people actually went out and one

May 24, 1989

LB 44, 44A, 49, 49A, 162, 162A, 247
247A, 250, 250A, 277, 277A, 301, 308
813, 814
LR 115, 213, 214, 215, 217, 218, 220
221, 223

Mr. President, a series of veto messages. (Read. Re: LB 44, LB 44A, LB 162, LB 162A, LB 49, LB 49A, LB 277, LB 277A, LB 250, LB 250A, LB 247, LB 247A.) The last message, Mr. President. (Read. Re: LB 301, LB 308, LB 813, LB 814. See pages 2723-29 of the Legislative Journal.)

Mr. President, that completes the items that I have.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 115, LR 213, LR 214, LR 215, LR 217, LR 218, LR 220, LR 221. We will move on to number five, resolutions, Mr. Clerk, LR 223, please.

CLERK: LR 223 was introduced by the Appropriations Committee. It is found on page 2680 of the Journal. It asks the Legislature that pursuant to the provisions of Section 85-404 and LR 69 adopted by the Ninetieth Legislature to call for the issuance of bond anticipation notes and/or revenue bonds in the amount not to exceed \$4,925,000.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, I know we are all busy, a beehive of activity this morning, but this first thing out of the shoot is of some significance. You may or may not want to listen. What this is is the approval for the bond financing of Phase III of the rec center construction. Those of you that were around in 1987 will remember at that point in time when we approved the indoor practice facility, that was the first of three phases of activity in the total hyperfitness area, whatever it was called, I forget. And Phase I and Phase II have already been...Phase I and Phase II have already been either built or in the process of being built and paid for, and the university is coming down...coming back with LR 223, and if you remember back, LR 69 two years ago, it basically said...we basically said we approve Phase I and Phase II and Phase III; if on the chance that when you go to Phase III, and Phase III is rebuilding of the coliseum, which I would like to explain a little bit, if we get to Phase III, it is the university's choice to use bond financing, and they must come back to the Legislature for our approval. That is, indeed, what has occurred. That is what LR 223 is talking about. It grants the authority for the university to bond up to \$4.9 million for the UN-L recreation/athletic facility. Now as you remember, the indoor practice facility, you all remember, Phase II of that